

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Twenty First Judicial District Court, County of Ravalli

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-16-217
-vs-	)	
	)	DECISION
RACHEL JANINE KUHLMAN,	)	
	)	
Defendant.	)	

On April 12, 2018, Defendant's deferred sentence for Charge I: Assault with a Weapon was revoked and she was sentenced to the Department of Corrections for 10 years, with 5 years suspended. Defendant received credit for time served of 113 days. The Court recommended Defendant be screened for any appropriate non-prison placements.

On October 5, 2018, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present from Passages and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

Done in open Court this 5<sup>th</sup> day of October, 2018.

DATED this 19 day of OCTOBER, 2018.

SENTENCE REVIEW DIVISION

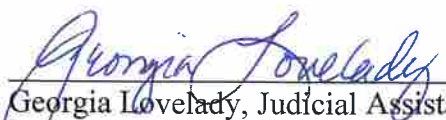
  
Hon. Kathy Seeley, Chairperson

  
Hon. Brenda Gilbert, Member

  
Hon. Dan Wilson, Member

Copies mailed this 7<sup>th</sup> day  
of November, 2018, to:

Clerk of District Court (Original)  
Rachel Janine Kuhlman #3022633, Defendant (2)  
Hon. James Haynes  
Brent Getty, Defense Counsel  
Angela Wetzsteon, Esq.  
Board of Pardons and Parole  
MWP - Records Dept.

  
Georgia Lovelady, Judicial Assistant  
Sentence Review Division